

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

DAVID SILVERMAN MADRIGAL,

No. 02:09-CV-1115-SU

Petitioner,

ORDER

v.

BRIAN BELLEQUE,

Respondent.

David Silverman Madrigal, Pro Se  
15418834  
Oregon State Penitentiary  
2605 State Street  
Salem, OR 97310

Attorney for Petitioner

Lynn David Larsen  
Kristen E. Boyd  
State of Oregon Department of Justice  
1162 Court Street, NE  
Salem, OR 97301-4096

Attorneys for Respondent

HERNANDEZ, District Judge:

Magistrate Judge Sullivan issued a Findings and Recommendation (#32) on February 9, 2012, in which she recommends that this Court deny Petitioner David Madrigal's petition for writ of habeas corpus (#2) on the grounds that it is untimely. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, I am relieved of my obligation to review the record *de novo*. United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); see also United States v. Bernhardt, 840 F.2d 1441, 1444 (9th Cir. 1988) (*de novo* review required only for portions of Magistrate Judge's report to which objections have been made). Having reviewed the legal principles *de novo*, I find no error.

#### CONCLUSION

The Court adopts Magistrate Judge Sullivan's Findings and Recommendation (#32). Accordingly, Petitioner's petition for writ of habeas corpus (#2) is denied. The Court also declines to issue a Certificate of Appealability on the basis that Petitioner has not made a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

DATED this 5th day of March, 2012.

/s/ Marco A. Hernandez  
MARCO A. HERNANDEZ  
United States District Judge